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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 22 November 2004 from the Permanent Representative of Israel to the United Nations addressed to the Chairman of the Committee

Pursuant to paragraph 4 of Security Council resolution 1540 (2004), please find attached the report of the State of Israel (see annex).

(*Signed*) Dan Gillerman
Ambassador
Permanent Representative

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Annex to the letter dated 22 November 2004 from the Permanent Representative of Israel to the United Nations to the Chairman of the Committee

State of Israel: Report to the Security Council Committee established pursuant to paragraph 4 of Security Council resolution 1540 (2004) of 28 April 2004

In response to Security Council Resolution 1540, the State of Israel submits its report regarding the steps that it has taken to fight proliferation of weapons of mass destruction and their means of delivery.

1. Proliferation of WMD and ballistic missiles constitutes a fundamental threat to national, regional and international peace and security.

2. The growing threat of illicit trafficking in WMD-related materials and know-how and the risk that non-state actors may acquire, develop, traffic in or use WMD adds a new dimension to existing threats, particularly in the light of the dangers posed by terrorist groups.

3. The State of Israel supports international efforts to curb proliferation of WMD and their means of delivery, in particular to and by non state actors. Accordingly, Israel welcomes the adoption of UNSC Resolution 1540, which aims to identify concrete steps against proliferation of WMD.

4. Israel is committed to the implementation of UNSC resolution 1540.

Introduction

5. As a state that has been living under conventional and non-conventional threats, including that of missiles, and continues to face the threat of terrorism on a daily basis, Israel's policy is designed to prevent proliferation of WMD. Israel has taken legal and practical measures, with an aim to curb proliferation and reduce such threats, giving high priority to this issue.

6. On the national level, Israel has consolidated its above mentioned policy through legislation and practices, enforced by its authorities. Israel's legislation and practices, and their enforcement, encompass a wide range of measures intended to prevent proliferation of non-conventional weapons, as well as to prevent terrorists or states sponsors of terror from acquiring such weapons. These include intelligence-gathering and sharing, improving border controls, developing advanced detection and identification devices, enhancing facility security, and export controls.

7. In the regional and international sphere, Israel has remained committed to promoting bilateral and regional peace, security and stability. In the absence of the necessary regional atmosphere, Israel has made significant efforts to improve international cooperation in the field of non proliferation, including through cooperation with multilateral export control regimes. Israel also supports other international initiatives such as the Proliferation Security Initiative (PSI) and the Global Threat Reduction Initiative (GTRI).

8. Israel is committed to acting forcefully against any form of support for terrorism. Accordingly, Israel does not provide support to non-state actors involved in terrorism and actively confronts any attempt by non-state actors to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

9. The fight against proliferation has been placed high on Israel's national security agenda. Israel is constantly seeking ways to improve and develop its capabilities in this field.

Legislation

10. Consonant with UNSC Resolution 1540, Israel's legal infrastructure in relation to non-proliferation is based upon an extensive set of legal instruments which are designed to effectively prevent the proliferation of items related to nuclear, chemical and biological weapons and their means of delivery. This legislation controls goods and technologies that may be used by non-state actors, states supporting terrorism and other countries of concern in the manufacture, development, delivery and use of WMD. The most recent legislative development is the adoption of a new order controlling chemical, biological and nuclear exports, thereby upgrading existing national legislation and consolidating current practice.

11. Major legislative instruments:

a) Chemical, Biological and Nuclear exports: The Import and Export Control Order (Control of Chemical, Biological and Nuclear Exports), 2004.

The new export control order establishes a licensing system for the export of dual-use goods, technology and services.

The order includes a catch-all clause prohibiting the export of goods, technology and services which the exporter knows are intended for use in the development or the production of chemical, biological and nuclear weapons.

The list of materials covered by the order is based on the export suppliers' regimes lists of the Nuclear Suppliers Group (NSG) and the Australia Group (AG).

b) Missile Technology exports: Commodities and Services Control Order (Export of Defense Equipment and Defense Know-how), 1991 in conjunction with the Commodities and Services Control Proclamation (Missile Equipment and Technology), 1995; Free Export Order (Missile Equipment and Technology), 1995.

12. The above mentioned legislation sets forth provisions for effective export licensing systems. The licensing processes involve the Ministry of Trade and Industry, Ministry of Foreign Affairs and Ministry of Defense. The legislation also provides for criminal and administrative penalties in case of violations.

13. Supplementing its export control legislation is an extensive set of legal instruments relating to anti-terrorism, including funding of terrorist entities. This legislation is a major instrument in Israel's ongoing war on terrorism and as such applies to WMD related terrorism as well.

14. Anti-terrorism legislation includes the Terrorism Prevention Order (1948), the Detention of Illegal Combatants Act (2002), relevant provisions of the Israeli penal code, additional emergency legislative instruments and future legislation currently in process. A full survey of Israel's counter-terrorism legislation is included in the Israeli reports to the Counter Terrorism Committee and is available on the UN website.

(www.un.org/Docs/sc/committees/1373/submitted_reports.html)

Implementation and Enforcement at the National Level

15. The Israeli Government has designated the Ministry of Industry, Trade and Labor as the competent authority for the implementation of its export control system. The Foreign and Defense Ministries also have a key role in implementing aspects of the relevant legislation.

16. The Israeli Customs Authority is the competent authority responsible for enforcing regulations preventing the export of unlicensed WMD-related goods, investigating offences and taking appropriate action.

17. In addition, the Israeli Customs Authority, together with other relevant responsible authorities, is currently involved in the development of a computerized system that will build profiles for identifying cargo/shipments suspected of violating customs laws and regulations, including those concerning WMD.

18. In implementing its policy and legal instruments in the field of non-proliferation, Israel's law enforcement authorities are constantly reviewing their procedures in order to ensure effective implementation and enforcement.

19. The Israeli Government has taken measures to enable and encourage the industry and the public to comply with the export control provisions. To this end, the Government of Israel has worked with the relevant industries and has informed them of their obligations under the export control legislation, including through outreach workshops, publications and governmental websites.

International Cooperation

20. Israel attaches high priority to international cooperation in the field of non-proliferation. Over the years, Israel has made significant efforts to enhance bilateral and multilateral cooperation and has embraced relevant international norms and standards.

21. Aware of and deeply concerned by the threat to international and regional peace and security, Israel has pursued a consistent policy of adherence to the relevant multilateral export control regimes.

22. In implementing this policy, Israel has adopted appropriate legislation controlling exports through the application of the MTCR, AG and NSG control lists. It is Israel's intention to update these lists keeping the scope of Israel's national export controls abreast with international standards.

23. On June 1st 2004, Israeli Deputy Prime Minister and Minister of Foreign Affairs, Mr. Silvan Shalom, announced Israel's policy of adherence to the Australia Group export control regime. This policy has been reflected in the new export control legislation.

24. The Director General of the Israel Atomic Energy Commission, Mr. Gideon Frank, has recently notified the Nuclear Suppliers Group on Israel's nuclear export control legislation and its policy of adherence to this regime.

25. The Government of Israel ratified the Convention on Physical Protection of Nuclear Material in 2001. The ratification of the CPPNM gave expression to Israel's recognition of the importance of preventing proliferation and the struggle against non-conventional terrorism and illicit trafficking of nuclear materials and equipment. Israel actively supports and participates in efforts to strengthen the physical protection of nuclear materials within the framework of the convention.

26. Israel has also supported the IAEA Nuclear Security Fund aimed at combating nuclear terrorism. Israel has made voluntary contributions and donations in-kind to support the IAEA activities in this field.

27 Israel shares the concern that radioactive sources might be used to commit acts of terrorism. Preventing such threats from materializing requires that these materials remain under full control of the competent authorities and be used properly. In this context Israel has endorsed the IAEA Code of Conduct on the Safety and Security

of Radioactive Sources on March 2004 and encourages other countries to do the same.

28. In view of the growing importance of export controls over WMD- related material, Israeli experts in this field have taken part in several meetings and seminars in order to learn from the experience of and conduct a dialogue with their counterparts from other countries.

29. Israel is aware that a number of states may request aid for the purpose of implementing the Security Council resolution in their countries. Israel stands ready to consider specific requests for such assistance as appropriate for states lacking the legal and regulatory infrastructure and implementation experience.

30. In conclusion, Israel welcomes U.N. Security Council Resolution 1540, expressing grave concern for the threat of illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery, in particular to non-states actors.

31. Israel would suggest that similar determination be devoted to the bilateral and multilateral efforts to curb the transfer, acquisition and use of MANPADS and very short-range rockets and missiles by non-state actors.